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*May*  
ROBERT H. SHAWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

ROBERT LEE HILL

CIVIL ACTION NO. 05-1872

VS.

SECTION P

LOUISIANA DEPARTMENT OF  
PUBLIC SAFETY  
AND CORRECTIONS, ET AL.

JUDGE JAMES

MAGISTRATE JUDGE HAYES

**JUDGMENT**

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence of objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

**IT IS ORDERED** that this complaint be construed as a petition for *habeas corpus*; and, that the petition be **DISMISSED WITHOUT PREJUDICE** due to the petitioner's failure to exhaust available state court remedies; and, in the alternative,

**IT IS ORDERED** that the complaint, insofar as it is construed as a civil rights complaint, be **DENIED AND DISMISSED WITH PREJUDICE** as frivolous and for failing to state a claim for which relief may be granted in accordance with the provisions of 28 U.S.C. §1915(d)(2)(B) and 28 U.S.C. §1915A(b).

THUS DONE AND SIGNED, in chambers, in Monroe, Louisiana, on this 5 day of

May, 2006.

  
ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE